

PLANNING COMMISSION MINUTES

March 15, 2000

CALL TO ORDER:

Chairman Dan Maks called the meeting to order at 7:04 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Dan Maks, Planning Commissioners Vlad Voytilla, Eric Johansen, Betty Bode, Chuck Heckman and Sharon Dunham. Commissioner Tom Wolch was excused.

Development Services Manager Irish Bunnell, Senior Planner Steven Sparks, AICP, Senior Planner Barbara Fryer, AICP, Principal Planner Hal Bergsma, Assistant City Attorney Ted Naemura and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Maks, who presented the format for the meeting.

VISITORS:

Chairman Maks asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

OLD BUSINESS:

PUBLIC HEARING:

Chairman Maks opened the Public Hearing and read the format for Public Hearings. There were no disqualifications of the Planning Commission members. No one in the audience challenged the right of any Commissioner to hear any of the agenda items.

CONTINUANCES:

A. TA 99-00011 – 1999 OMNIBUS DEVELOPMENT CODE TEXT AMENDMENT #3

(continued from January 12, 2000)

The proposed amendments have been proposed by the Development Liaison Committee and will amend the Development code to eliminate minimum district sizes for residential zoning districts, reduce required parcel widths to accommodate attached single family dwellings in the residential zoning districts that allow such use, revise the required amount of open space in the R-3.5 residential zoning district, modify the threshold of Type 1 Board Design Review applications, and other minor changes to the Development Code text.

Senior Planner Steven Sparks presented the Staff Report. He stated that the application was continued at the January 12, 2000 Planning Commission Meeting to allow for the opportunity for this application to be referred to the CCI and have CCI disseminate information to the NACs to return with opinions back to the CCI. The CCI was to forward their comments to the Planning Commission. He mentioned three communications attached to the Staff Report and a late communication that had been received from Mark John Holady, who is a member of the Sexton Mountain NAC. He observed that because all of their board members were not available, the Sexton Mountain NAC had been unable to take an official action and so Mr. Holady had responded as an individual citizen. He mentioned corrections to the Staff Report, noting that on the subject line on page 1 the correct reference is TA ~~990011~~ 99-00011. He also proposed that page 3 of 4 be revised. The proposed deletion of the phrase “minimum open space and recreation area” be amended so that the phrase remain. Further, that the proposed addition of the word “minimum” be deleted from the revised subsection ‘A’.

Mr. Sparks clarified that the purpose of this amendment is to ensure that in the R-2 and R-1 zoning districts that minimum open space of 600 square feet and 300 square feet per dwelling unit will be observed, adding that the original proposal had changed this requirement. He explained that changes that have been made since this issue was last reviewed have been identified in the Staff Report, adding that he will not review them at this time unless there are any specific questions concerning these changes. Mr. Sparks commented that he is happy to answer any questions at this time.

Commissioner Heckman noted that while the subject line of the Staff Report referred to by Mr. Sparks (TA 990011) is correct and should be amended, the footer is correct (TA 99-00011).

Mr. Sparks observed that the subject line is what he had noticed. Commissioner Heckman referred to Exhibit “A”, paragraph 5, page 2 of 4, expressing his opinion that the paragraph is poorly constructed.

Mr. Sparks observed that this paragraph had been added in May 1999.

Noting that he realizes this is a carry-over, Commissioner Heckman repeated that the statement is poorly-constructed.

Commissioner Heckman referred to Exhibit 'A', paragraph 6 of page 2 of 4, expressing his concern with 10-foot front yard setbacks. Noting that he could be comfortable with 15-foot front yard setbacks, he expressed his opinion that if 10-foot front yard setbacks is approved, why not 5-foot front yard setbacks.

Mr. Sparks explained the rationale for this setback, pointing out that when the City had adopted the R-4 zoning district, the established front yard setback at the time had been 10 feet. Although he had not been on staff at that time, he assured the Commissioners that he is certain that the issue had gone through very rigorous review and discussion. He noted that in consideration of the front yard setbacks for the zones of greater density, it does not seem reasonable to require a greater setback than in a zone with less density, emphasizing that staff is attempting to establish uniformity in medium and high density zoning districts.

Commissioner Heckman mentioned that some older, more-densely constructed cities the setback is right at street level, expressing his opinion that there is such little difference between 5 feet and 10 feet, and the Commission may as well approve 5 more feet of building area.

Agreeing that this idea has potential, Mr. Sparks mentioned concerns with the setback issue that had been expressed in correspondence that had been received from individuals in the neighborhood.

Chairman Maks requested clarification that this issue concerns only the higher-density zones – 3.5, 2 and 1 – not the single-family residential zones.

Mr. Sparks confirmed that this issue concerns the higher-density zones only.

Commissioner Heckman referred to Exhibit 'A', paragraph 1 of page 3 of 4, observing that he agrees with the proposed 20-foot setback, which provides uniformity.

Commissioner Heckman referred to Exhibit 'A'. paragraph 4 of page 3 of 4, specifically Type 1 Actions, which references "minor" changes. He questioned who determines what constitutes a "minor" change, suggesting that a "minor" change be defined as follows: "...dollar modification of a project of \$3,500 or 2% of the original permit fee, whichever is less..." He expressed his opinion that some clarification is necessary because different individuals obviously have different definitions of what they consider to be "minor".

Mr. Sparks advised Commissioner Heckman that sub-headings (a) through (l) under Type 1 Actions go through great lengths to describe what constitutes "minor" changes for this purpose. He explained several examples, noting that these sub-headings are very clear and objective in describing the standard for "minor".

Commissioner Heckman referred to Exhibit 'A', sub-section (e) of page 4 of 4, questioning what is meant by "minor" in this specific example.

Mr. Sparks clarified that "Review of minor development modifications to previously approved Master Plans/Planned Unit Developments" would be determined on a case-by-case basis.

Commissioner Heckman mentioned his concern with different individuals determining "minor" on a case-by-case basis.

Mr. Sparks indicated that this is an issue of concern that staff is attempting to resolve.

Development Services Manager Irish Bunnell explained the usage of the word "minor", observing that it is existing language that has been in the code for nearly 30 years, adding that the Planning Director is responsible for determining whether a change is Type 1 -- "minor" or Type 2 - "moderate". If no clear indication is available, such as the percentage of the change or the square footage of the change, the Planning Director must make this determination. He added that the Code Review Advisory Committee is reviewing Chapter 40 and Chapter 50, and that they will make this determination by both percentage and square footage, which will hopefully resolve this ambiguity.

Chairman Maks mentioned that this had actually been discussed at Code Review on the previous evening.

Commissioner Heckman referred to Exhibit 'A', sub-section (i) of page 4 of 4, and questioned the phrase "any land use", suggesting that "any use" would be more appropriate.

Commissioner Johansen referred to Exhibit 'A', paragraph 5, page 2 of 4, providing that R-4 lots that abut property zoned R-5, R-7, R-10 or R-A shall provide the abutting district setbacks for any setback which abuts that district, questioning whether the same protection is in effect for 3.5, 2 and 1 zoning districts.

Mr. Sparks informed Commissioner Johansen that it does not appear to be.

Commissioner Johansen questioned whether Mr. Sparks had considered the possibility of taking action to provide for this.

Mr. Sparks informed Commissioner Johansen that he had not.

Commissioner Johansen observed that he had been under the impression that some provision had been made for such restrictions on side yard setbacks.

Mr. Sparks clarified that similar restrictions are in effect for flexible setbacks and certain other sections of the code.

Commissioner Voytilla mentioned page 5 of the Staff Report, discussing his comments from a prior meeting at which time he had expressed the desire for consistency with the UBC relative to retaining walls and fences and wood versus masonry as opposed to there being a specific difference between a free-standing wood fence/masonry fence. Noting that this really had no bearing on the issue, he emphasized that his concern had been with fences and walls being utilized as a retaining wall.

Mr. Sparks commented that he had been under the impression that this issue had been addressed.

Commissioner Voytilla assured Mr. Sparks that the issue had been addressed, adding that it is documented on the bottom of Exhibit 'A', page 4 of 4 of the Staff Report.

Mr. Sparks noted that this was the result of his review of the minutes and information he acquired from the Building Official.

Commissioner Voytilla referred to Commissioner Heckman's concern with the front yard setbacks being reduced to 10 feet or less, asking whether an individual could locate their garage at a 20-foot setback with the balance of the building at a 10-foot setback. He questioned whether this would provide a safety corridor for pedestrians when a car backs out, whereas less would greatly reduce visibility.

Mr. Sparks agreed that this is feasible, adding that he is reluctant to speculate without referring to the vision clearance requirements in the code.

Commissioner Voytilla commented that he is comfortable with the 10-foot setback, noting that applicants have the option of requesting a variance.

On question, Commissioner Dunham stated that she had no comments at this time.

On question, Commissioner Bode stated that she had no comments at this time.

Chairman Maks referred to Exhibit 'A', page 1 of 4, Section 2:2.A.3, expressing concern with the following amendment: "R-5 Lots that abut property zoned developed at R-7 density shall have a minimum width of 70 feet." He observed that he had been comfortable with this section before it had been changed, noting that the intent had been to reduce impact of abutting zone areas. He emphasized that if a property is only zoned, but not developed, there is no impact, expressing his opinion that the section should be left as it was.

Mr. Sparks discussed an example, and explained his intent to provide conformity and create less visible transitional impact between different zoning districts.

Chairman Maks informed Mr. Sparks that he is aware of the rationale behind this development issue, adding that he merely questioned the necessity of this particular amendment.

Noting that it had been difficult to deal with this language from an administrative standpoint, Mr. Bunnell pointed out that he had suggested the change specifically because there is more certainty in “zoned” than in “developed”. He commented on Mr. Sparks’ example, noting that someone should not have to pay this penalty in lot width. He briefly explained the procedure for a subdivision application.

Chairman Maks informed Mr. Bunnell that he had successfully defended his position on this issue.

Commissioner Heckman referred to Appendix ‘A’, page 2 of 4 of the Staff Report, questioning item no. 6, whether it should be amended, as follows: “Notwithstanding Section 60.60.40.1., lot width, an 18 foot lot width...”

Mr. Sparks agreed that this amendment is correct.

Chairman Maks referred to Mr. Hollady’s letter, questioning whether the municipal code provides that vehicles are not permitted to block sidewalks.

Mr. Bunnell stated that this is correct – vehicles are not allowed to block sidewalks.

Commissioner Johansen referred to the issue of the R-4 zone having the same setbacks as the abutting zones, questioning whether other Commissioners are interested in the possibility of extending this provision to the R-3.5, R-2 and R-1 zones. He expressed his opinion that this may create more consistency within the code.

Noting that this is an interesting idea, Mr. Sparks cautioned that this would not provide a quick “fix-it-all”. He mentioned that Chapter 20 had been revised mainly due to the consideration of meeting minimum densities within the zones, emphasizing that many current projects are “in-field development projects” that may or may not potentially result in rezoning requests, introducing a new zoning category to a neighborhood. Noting that he agrees that Commissioner Johansen’s suggestion may be feasible, he expressed his opinion that this particular application may not provide the opportunity to extend this provision of the R-4 zone having the same setbacks as the abutting zones to the R-3.5, R-2 and R-1 zones.

Commissioner Johansen expressed his opinion that the setback reduction from 20 feet to 10 feet is not exactly a quick fix either. He mentioned that a Staff Report in January 2000 had suggested that this issue be discussed by CRAC before the Planning Commission makes a recommendation.

Mr. Sparks discussed the reduction of setback proposal, noting that he recollects that the setback requests made by the DLC were much more expansive in their scope, that basically all of the setbacks in the code should have been reduced to a number listed on their May 18th Memorandum. He noted that the sheer number of the setback amendments had gone beyond quick fixes, noting that they had recommended the two for 10 feet and 20 feet, respectively, for structures and garages to match what has been done in the R-4 zone. He noted that this also helps to meet the goal for consistency, and may truly provide a quick fix in this particular situation.

Expressing his agreement with Mr. Sparks, Commissioner Johansen advised that he would also consider extending this protection to the other zones in question.

Noting that he is reviewing the existing front yard setbacks in the Development Code, Mr. Bunnell observed that the R-3.5, R-2 and R-1 zones currently provide that setbacks match the abutting zone and expressed his opinion that nothing will be gained by appropriating that same provision.

Commissioner Johansen commented that he would have proposed this action for R-4 lots that abut property (R-4, R-3.5, R-2 and R-1).

Chairman Maks questioned why Commissioner Johansen wants to take this action on R-2 and R-1, noting that basically staff has identified that R-4, R-5, R-7 and R-10 are classified as our single-family residential areas.

Commissioner Johansen observed that there is a difference between standard density and medium density.

Chairman Maks clarified that R-1 and R-2 and multi-family residential, while the others are single-family residential. He again questioned why Commissioner Johansen desires to take this action on multi-family residential.

Commissioner Johansen reminded Chairman Maks that he is referring to multi-family residential abutting an R-5 or an R-7, noting that he desires to maintain consistent setbacks between the zoning districts.

Mr. Bunnell presented several examples to illustrate the differences in side-yard setbacks in the different zones, observing that in most cases, extending that provision from R4 to these other zones would cause the setbacks to be reduced in the R-2 and R-1 zones.

PUBLIC TESTIMONY:

CATHERINE ARNOLD, 6771 SW 162nd Drive, Beaverton, OR 97007, appeared to express her concerns with the 1999 Omnibus Development Code Text Amendment #3. She expressed appreciation to the Planning Commission for the opportunity to review this issue at the NAC and CCI Meetings, noting that it has generated a great deal of valuable information and interest. She advised the Planning Commission that generally people are supportive of the proposals, with the exception of the setbacks. Noting that the justification for 10-foot setbacks is that it is already in effect for the R-4 zone, she expressed her opinion that some information should have been provided indicating how well the 10-foot setback is working in other locations. Observing that the R-4 zone is relatively new to Beaverton, she advised that many individuals are not yet aware that it even exists, adding that there was probably not much testimony regarding this 10-foot setback, expressing concern that this has now become a precedent. She noted that while most examples discussed at the NAC and CCI Meetings were related to similar situations back east, most comments were not favorable, with the most common complaint being that “it really puts buildings in your face”. She expressed agreement with the proposed paint standards, and discussed paint colors and shades, suggesting the possibility of a range of reasonable and acceptable colors for which approval might not be necessary, or even allowing color schemes designed by professionals who are on an approved list, without questioning their judgement.

Commissioner Dunham expressed her appreciation to Ms. Arnold and Jim Persey for their valuable input throughout this process. Noting that the level of review for an issue such as this is so subjective, she emphasized the difficulty in creating standards for colors of paint. She provided samples of four shades of blue, noting that while all four are from the same “family”, they range from light blue to dark blue. She emphasized that even the paint industry itself can not determine consistently-defined criteria. She commented that she was glad to see the issue of paint removed from the agenda of this issue at this time.

Noting that he is the Chairman of an Architectural Review Committee, Commissioner Heckman emphasized that the greatest problem they deal with is paint colors, adding that attempting to make a standard determination is nearly impossible. He expressed his agreement with Ms. Arnold’s observation that most people are unfamiliar with R-4 zoning, adding that he is not aware of any R-4 lots that have been developed locally.

Ms. Arnold stated that she doesn’t know of any locally developed R-4 lots.

Commissioner Heckman expressed his appreciation of the efforts of Ms. Arnold and Mr. Persey and other members of the NAC and CCI Committees.

Mr. Sparks advised that only one area in the City has been zoned R-4 at this time, adding that a portion of Progress Quarry which has yet to be developed is the only site in the City with an R-4 zoning designation.

Being no further members of the audience wishing to comment on this issue, Chairman Maks closed the public testimony portion of the Public Hearing.

Observing that the Development Liaison Committee had forwarded a great deal of suggestions, Chairman Maks expressed appreciation to staff for their efforts on the 1999 Omnibus Development Code Text Amendment. He commented that he agrees with staff that most of these issues would more appropriately be discussed at Code Review and a more thorough process.

Chairman Maks expressed appreciation to Ms. Arnold for facilitating this issue with CCI and the neighborhood associations and her method of addressing the issues. He commended Mr. Persey on his input, explaining that he had provided exactly the type of input desired. Chairman Maks emphasized his disappointment with information received from the Central Beaverton NAC, expressing his opinion that it was more of a diatribe than anything with regard to any of the information they had requested. He observed that most of their comments were not constructive and provided no direction, adding that he is particularly offended by the comment that the code is up for sale, emphasizing that with the type of development applications that we receive, either side, winning or losing, could conceivably make that statement. Chairman Maks expressed his support for the approval of the Omnibus Development Code Text Amendment application, as presented.

Commissioner Heckman expressed his support for the approval of the Omnibus Development Code Text Amendment, adding that he still has concerns with minimum front yard setbacks. He referred to the letter received from Mr. Holady, specifically having a 10-foot setback and problems that may be created by some larger vehicles and the issue of sufficient visibility. Noting that he is satisfied with the majority of the amendment, he repeated that he would prefer a 15-foot setback.

Commissioner Voytilla expressed agreement with Chairman Maks' comments regarding his disappointment with the Central Beaverton NAC's letter. Noting that he is in support of the 1999 Omnibus Development Code Text Amendment #3, as drafted, he mentioned reduced setback projects he had personally been involved in and that he had successfully completed projects with 8-foot front yard setbacks. He observed that that the setback distance is measured from the structure to the front property line, emphasizing that there is an additional margin of safety from the front property line to the improvement within the right-of-way, which potentially adds another six to nine feet. He pointed out that even a 10-foot setback could easily provide 19 feet before reaching a curb or a sidewalk,

adding that there is a tendency to park cars in garages where parking is tight, which makes for a cleaner and safer appearance.

Commissioner Bode expressed her support of the majority of the 1999 Omnibus Development Code Text Amendment, although she remains concerned with and does not support the 10-foot setback. She questioned how she could support the amendment with the exception of the 10-foot setback.

Assuring Commissioner Bode that he is not ignoring her question, Chairman Maks informed her that her non-support of the 10-foot setback would be dealt with at the time a motion is made.

Commissioner Dunham expressed her appreciation of the staff for their efforts and the citizens who participated in the preparation this amendment. She noted that she, too, is very disappointed with the comments of the Central Beaverton NAC, adding that this appears to involve politics. She emphasized that the letter had approached the two relevant issues at hand as an afterthought. Expressing her support of the 1999 Omnibus Development Code Text Amendment, she also observed that she does not support the 10-foot setback, although she feels it could be acceptable in the R-3.5, R-2 and R-1 zones – anything from R-4 down.

Commissioner Johansen commended the efforts of Ms. Arnold and Mr. Persey, emphasizing that they had fulfilled the role of involved citizens and commented that he had been angered by the comments of the Central Beaverton NAC. He reminded the public that the development liaison committee meetings referred to in the letter from the Central Beaverton NAC are open to the public, citizens have attended these in the past, and minutes of these meetings are recorded and made available to the public. Observing that citizens should have concerns with what transpires at these meetings, he stressed that it is their duty to find out. He pointed out that a lot of efforts have been made to encourage citizen involvement, adding that this letter from the Central Beaverton NAC does a great disservice to the other NACs, CCI and the entire community. He expressed his disagreement with the insinuation that citizens should move out of the City of Beaverton and allow the planners to take over, reminding citizens that they need to take advantage of any opportunity to provide input and participate in city decisions. Noting that he realizes it may not always be easy or convenient to do so, he commented that obviously the Central Beaverton NAC has not exercised this option. Referring to the statement that “the City is attempting to place a big box development in their back yard”, he clarified that an applicant, not the City, has made a proposal to build this development. Noting that he does not intend to discuss this very contentious issue at this time, he repeated that there is a public process for hearing this issue and citizens need to become involved. He expressed his support for the approval of the 1999 Omnibus Development Code Text Amendment, adding that he does not approve of the 10-foot setback, has concerns with the transitions between setbacks, and supports Commissioner Heckman’s suggestion of a 15-foot setback.

Informing Commissioner Bode that it is at this point her concern with individual portions of the amendment will be dealt with, Chairman Maks added that he would attempt to have several issues clarified.

Chairman Maks questioned whether the Commissioners are comfortable with the change in the garage setback from 25 feet to 20 feet and observed that the reactions of the Commissioners indicate that they are.

Chairman Maks mentioned two separate issues, as follows: 1) the front yard setback in the R-3.5, R-2 and R-1 zones from 20 feet to 10 feet; and 2) transition on side yard setbacks.

Chairman Maks was advised that the consensus of the Commission is that they are concerned with the issue of transition on any setbacks.

Chairman Maks referred to the paragraph in Appendix 'A', paragraph 5 on page 2 of 4, which reads, as follows: "R-4 lots that abut property zoned R-5, R-7, R-10, or R-A shall provide the abutting district setbacks for any setback, which abuts that district", and questioned the opinion of the Commissioners regarding the transition issue.

Commissioner Heckman expressed his opinion that the proposed transition for an R-5 or R-7 district to an R-3.5 is too noticeable, adding that 15 feet would be an acceptable compromise and less would be too noticeable. He pointed out that there might never be more than the one R-4 block within the City of Beaverton.

Chairman Maks clarified that he is addressing the issue of transition of abutting setbacks to match, basically, the setback of the adjacent lower-density zone and pointed out that at this time he wishes to address only the transition issue. He noted that he is in disagreement with Commissioner Johansen's suggestion for language providing for a transition that matches abutting setbacks (matching the lower density adjacent zone). He emphasized the significance of the 80% density requirement, explaining that this may actually be impacted by this setback issue causing nonconformance with the 80% density requirement. He questioned the possibility of carrying this setback issue one step further and changing the setback requirements for commercial to 20 feet as well.

Commissioner Heckman advised Chairman Maks that his main concern is with the appearance of the streetscape itself – 10-foot front yard setbacks adjacent to 20-foot front yard setbacks in the older, more established neighborhoods.

Chairman Maks questioned whether Commissioner Heckman is also in disagreement with Commissioner Johansen.

Commissioner Heckman clarified that he disagrees with Commissioner Johansen with respect to the setback transition issue.

On question by Chairman Maks, Commissioner Dunham noted that she also disagrees with Commissioner Johansen regarding the setback transition issue. She repeated Chairman Maks' concern with the 80% density requirement, expressing her opinion that it is hopeful that the land will be utilized more adequately in the future, and mentioned concern with pedestrian orientation and building mass.

Reminding Commissioner Maks that he had stated his preference that this entire issue is reviewed more prior to making any decisions, Commissioner Johansen emphasized that setbacks are an issue with the public

Commissioner Johansen stated that in his opinion, if there is reason to do this in the R-4 zone, it makes sense to do this in the other zones as well.

Chairman Maks advised Commissioner Johansen that the statement that is being amended would not cause this. He clarified that if similar language were adapted to that sentence, it would more likely increase, rather than reduce the setbacks and emphasized that reduction of setbacks are not the issue.

Commissioner Bode noted that she has no problem with the transition, as written, and is in disagreement with Commissioner Johansen regarding the setback transition issue.

Chairman Maks explained that he would most likely question whether the Commissioners would like to make a recommendation to CRAC to study the transition issue in detail in Code Review.

Assistant City Attorney Ted Naemura observed that in the case of the R-4 zone, they had dealt with a newly formed zone. He emphasized that the while the expansion of that discussion may make sense in the mechanical sense, and a logical sense, that if so for the lower-density zone, why not for the higher-density zone, in reality insufficient facts are available to make a policy determination at this time. He cautioned that this might lead to a position that is difficult to support, a decision that could not consider some of the non-conforming creations or situations that may develop. Pointing out that this may tend to confirm Commissioner Johansen's observation, he urged that the Commissioners keep in mind that they do not have all necessary facts at this time.

Chairman Maks commented that referring the issue to CRAC may be a good idea, and Mr. Naemura agreed that this had been a logical decision.

Commissioner Voytilla remarked that City Attorney Naemura had stated very eloquently his position on the transition issue, noting that Commissioner Johansen has identified a relevant issue. Stating that he does not have a problem with the amendment, as is, he added that he agrees with Chairman Maks' observation that

this will definitely affect density and there is a responsibility to make certain that land is developed to its maximum potential. He remarked that discussing setbacks and perceptions of what different individuals might find offensive could involve many different issues. He agreed that enough information is not available to make a meaningful decision at this time, adding that he would like to see this issue referred back for language that discusses transitions in a very detailed manner.

Commissioner Maks explained that the transition issue has been discussed and that the 20-foot to 10-foot setback issue will be discussed at this time.

Commissioner Voytilla stated that he is in favor of the 10-foot setback, adding that he has personally observed that it works well.

Commissioner Heckman stated that he would settle for a 15-foot setback, although he prefers the 20-foot setback.

Commissioner Bode noted that some of the individuals concerned with the setback might not have all information regarding constraints, comprehensive land use and high-density housing. She agreed with Commissioner Heckman, adding that she prefers a 20-foot setback but will compromise with a 15-foot setback.

Commissioner Dunham commented that because it is for the R-3.5, R-2 and R-1 zones, she still agrees that 10-feet is still an appropriate setback.

Commissioner Johansen stated that would approve of a 10-foot setback with adequate transitions, but because these transitions are not yet in place, he is in favor of a 15-foot setback.

Chairman Maks expressed support of 10-foot setbacks, and explained that the R-4 zone had been created due to higher-density development. He also expressed his concern with providing people the opportunity and ability for affordable housing. He referred to a statement made by an applicant in the past that although he may not personally prefer to live in a certain type of housing, other individuals may not share his opinion. He pointed out that an R-4 subdivision at that location with a 10-foot front yard setback has no affect on his livability.

Chairman Maks observed that the current problem is that three Commissioners favor a 10-foot setback while the other three favor a 15-foot setback.

Chairman Maks mentioned that Commissioner Johansen's idea of 10 with adequate transitions is feasible, noting that it is his opinion that this pertains to side yards and rear yards, rather than front yards. He expressed his opinion that what works for the R-4 zone also makes sense for the R-3.5, R-2 and R-1 zones.

Commissioner Voytilla noted that he agrees with Commissioner Heckman's observation that the transition issue could offer some compromise and observed that some photographs of some similar examples – both good and bad -- might be beneficial in making a determination. He mentioned that nice wide front yards are not always attractive when homeowners can not afford landscaping and maintenance, which creates as much or more of a blight as a compact front yard. He emphasized that it may be necessary to scale back and manage all components of affordable housing, which includes yard space and landscape materials.

Declaring that he is willing to change his vote, Chairman Maks stated that he would support a motion for a 15-foot setback, in the hope that the transition issues identified by Commissioner Voytilla are addressed.

Commissioner Heckman mentioned a past county project, expressing his opinion that it had produced an "instant ghetto". He urged the Commission not to lower their standards, emphasizing his concern with creating an "instant ghetto" in Beaverton.

Commenting that he agrees with Commissioner Heckman's comment regarding an "instant ghetto", Chairman Maks observed that when that particular county project had been approved the county had not been advised of the applicant's intent to sell half of the development to a property management company for rental property. He mentioned the R-7 zone he had previously lived in, noting that during the "creative financing" of the 1980's, an individual had purchased eight homes which were later turned into HUD housing. Assuring Commissioner Heckman that while he understands his point, Chairman Maks stated that he is making a temporary decision with the hope that it will be later reduced to 10 feet setbacks. He emphasized that the bottom line is that these people need to be located somewhere.

Mr. Sparks reminded Chairman Maks that Commissioner Heckman had suggested two changes to the text of the 1999 Omnibus Development Code Text Amendment #3, and that staff had presented changes to the text in their introductory comments, adding that any motions for adoption need to reflect these changes.

Commissioner Heckman MOVED and Commissioner Johansen SECONDED motion for approval of TA 99-00011 – 1999 Omnibus Development Code Text Amendment #3, with the following amendments:

- Section 20.05.50.2.A.6., the phrase "a 18 foot lot" shall be amended to "an 18 foot lot";
- Section 20.05.50.3.A.1., the proposed reduction of front yard setbacks for building or dwelling shall be increased from ten feet (10') to fifteen feet (15');

- Section 20.05.50.10., the phrase “Minimum open space and recreation area” shall not be deleted. Further, the phrase “Minimum square feet per dwelling unit” shall be amended to “Square feet per dwelling unit”; and
- Section 40.10.15.1.(i), the phrase “any land use” shall be amended to “any use”.

CARRIED by the following roll call vote of the Commissioners present:

Aye:	Bode	Nay:	Dunham
	Heckman		Voytilla
	Johansen		
	Maks		

Commissioner Johansen MOVED and Commissioner Bode SECONDED a motion that the Commission recommend that the C.R.A.C. study the setback requirements of the development code, especially with respect to the advisability of extending the language on Exhibit ‘A’, page 2 of 4, regarding the R-4 zones to the R-3.5, R-2 and R-1 zones.

Chairman Maks requested that when this comes before code review, staff make certain that all individuals involved are present for the discussion.

CARRIED unanimously.

8:28 p.m. -- Chairman Maks called for a break.

8:38 p.m. -- the Public Hearing resumed.

B. CPA 99-00025 – COMPREHENSIVE PLAN LAND USE ELEMENT

(Continued from January 19, 2000)

The proposed amendment partially implements Periodic Review Order #00717, Work Tasks 2, 9, 10, and 11 and proposes to replace the existing Land Use Element of the Comprehensive Plan. The proposal intends to complete Metro requirements related to land use. Both map and text changes will be included in the proposal.

Senior Planner Barbara Fryer presented the Staff Report and explained that the proposal is a first-draft portion of a minor aspect of the entire Land Use Element, and mentioned three exhibits included in the memorandum, as follows: 1) Exhibit 1, which is an outline of the entire Land Use Element; 2) Exhibit 2, which is a draft of the first few sections through community identity; and 3) Exhibit 3, which reviews three alternatives to implement the 2040 Design Type Land Use Designations.

Ms. Fryer discussed Exhibit 1, which includes an overview section, a planning context section and a community identity section, and then transitions into mixed use areas. She explained that the handout distributed tonight consists of the next section, which includes mixed use areas and continues on to, but does not include, main streets, which have not yet been added to that section. She pointed out on the map that the City of Beaverton includes two regional centers, which she identified as *Washington Square Regional Center* and the *Beaverton Downtown Regional Center*. She advised that Metro is requesting that local jurisdictions further define the boundaries of areas regarding use and other design types on the Comprehensive Plan Map according to local needs. She discussed mixed-use areas that are in the City or may soon be included, specifically town centers, such as the Murray/Scholls Town Center, the Cedar Mill/Cedar Hill Town Center, the Sunset Transit Center and the Raleigh Hills Town Center. She mentioned several potential station communities within the 20-year period planning horizon, including the Beaverton Creek Station Community, the Merlo Station Community, the South Tek Station Community, the Sunset Transit Center Station Community, the Millikan Station Community, the Elmonica Station Community and the Willow Creek Station Community. She discussed several main streets, including Allen Boulevard, east and west of Murray Boulevard; Allen Boulevard at Hall Boulevard; Allen and Scholls; Farmington Road from Cedar Hills Boulevard to Murray Boulevard (and beyond Murray Boulevard to Aloha); and Cornell Road from 143rd Avenue to Sunset Highway. She mentioned several corridors, indicated by the yellow highlighted areas on the map. She noted that staff anticipates eliminating the commercial zones and allowing commercial development within certain parameters in these corridors, so the commercial zoning districts would fold into the corridor designation along with certain residential zones. This would be a different approach and there would be the corridor, rather than commercial comprehensive plan designation. Within corridors both residential and commercial development would be allowed. Another land use designation would be residential neighborhoods, including the R-7 and R-5 zoning districts, and potentially R-4 in some areas. Residential neighborhoods would typically be thirteen to fourteen units (it was later clarified that Ms. Fryer intended to say people) per acre (as designated by Metro), which corresponds to the R-7, R-5, R-10 and R-A land use designations. She indicated employment areas in the city, which are primarily the campus/industrially zoned areas including the Allen Business Park, the Nimbus Business Park, the Creekside Business Park and the area along Highway 217 from Denney to Hall Boulevard, the Cornell Oaks area, the Woodside Triangle area and the area between Hall Boulevard and Scholls Ferry Road. Industrial areas would incorporate the light industrial and industrial park zoning district. She discussed that the final element of the Land Use Element, which is the Matrix of Land Use Designations that would allow transition from county designations to city designations.

Ms. Fryer discussed Appendix 2, noting that it is a draft of the first few sections of the proposal. She referred to page 3-4, which includes a series of highlighted policies, which are currently included in the comprehensive plan and identified

under the Station Communities and the Station Areas. She noted that they anticipate that these policies should be applied to the entire city, rather than to just certain area, adding that they anticipate moving the entire section to the natural resources element to be applicable to all development that may impact or be impacted by these natural resources.

Ms. Fryer mentioned Exhibit 3, mentioning three alternatives for compliance with the Metro mandate identified – specifically where the boundaries are located. The first alternative consists of a three-map alternative adopting a specific design-type Boundary map that only shows the Metro design types, a Comprehensive Plan Map and a Zoning Map. She mentioned a two-map alternative in which some of the existing comprehensive plan designations are manipulated in different ways. The final alternative is a one-map alternative, which applies a different approach to existing zoning.

Chairman Maks mentioned that additional information has been received and that staff is requesting a continuance of this Public Hearing.

Ms. Fryer clarified that she is requesting that this item be continued until April 12, 2000, at which time it is anticipated that the entire Land Use Element section will be modified, based on potential comments received tonight by the Planning Commission, such as preference for the Three-Map Alternative, the Two-Map Alternative or the One-Map Alternative.

Noting that he is still in favor of the Two-Map Alternative, Chairman Maks questioned whether CCI has yet had an opportunity to review this proposed amendment.

Ms. Fryer informed Chairman Maks that CCI had not yet reviewed the proposal.

Stating that he will not oppose it until he has had the opportunity for review, Chairman Maks informed Ms. Fryer that her language with regard to the corridors is going to be interesting. He mentioned the amount of public furor from both sides with regard to one commercial entity on Murray Boulevard as a corridor. He expressed his opinion that the discussion regarding the proposed residential along with this and the proposed change of allowing commercial along the remainder of that corridor and the other corridors will be interesting.

Ms. Fryer urged Chairman Maks to remember the possibility of areas such as the Murray/Scholls Town Center Subregional as a “corridor” on the map, rather than designating it as Town Center on the Comprehensive Plan.

Chairman Maks emphasized that she is proposing massive wholesale changes along corridors, with regard to what people are actually expecting right now.

Ms. Fryer agreed that the changes would be dramatic.

Expressing his opinion that they might be shooting at a moving target, Chairman Maks observed that he would prefer to limit this target and receive input from citizens before even discussing the issue or offering his own comments.

Commissioner Heckman referred to page III-3 of the Staff Report, regarding the section pertaining to Main Streets in Beaverton, specifically “Farmington Road from the Regional Center west”, and questioned how far west they anticipate this to go on Farmington Road.

Ms. Fryer informed Commissioner Heckman that she expects the outer limit, at this time, to be Murray Boulevard, although the actual corridor extends to Aloha.

Commissioner Heckman questioned how far into Aloha this corridor extends.

Ms. Fryer observed that one map indicates that the corridor extends to Murray Boulevard, while another indicates that it extends to 185th Avenue.

Commissioner Heckman requested clarification that the furthest limit of this corridor would extend to 185th Avenue.

Ms. Fryer clarified that potentially; the furthest anticipated limit of this corridor is 185th Avenue.

Commissioner Heckman questioned whether any documentation exists that the City of Beaverton shall never extend west beyond 185th Avenue and the City of Hillsboro shall never extend east beyond 185th Avenue.

Ms. Fryer referred this question to Principal Planner Hal Bergsma, who observed that this issue remains a point of debate at this time. He clarified that the potential easternmost point for the City of Beaverton western urban boundary services area would be 185th Avenue, adding that it could potentially extend as far west as the present boundaries of the Beaverton School District, which is located generally in the 198th Avenue area. He advised that the City of Hillsboro would like to implement a boundary at 185th Avenue, although some special service districts, such as the park district and the fire district, would prefer to see it along the school district boundary. He emphasized that this is still a point of debate that may not be resolved in the near future.

Commissioner Heckman referred to page III-3 of the Staff Report, discussing the paragraph regarding employment areas within Beaverton, specifically the Nimbus Technology Park, the Creekside Business Park and the Koll Business Center. He questioned how much designated residential areas are adjacent or partially adjacent to these employment areas, and if they are not adjacent, how far are they and what are the plans.

Ms. Fryer clarified that employment areas are intended to be employment only, adding that she did not intend to indicate that any residential would be included in these areas. She stated that the Creekside Business Park, the Koll Business Center and the Nimbus Technology Park are all adjacent to the Fanno Creek Area, which is zoned residential, adding that Fanno Creek Park will not be developed at this time.

Commissioner Heckman noted that the designated park usage precludes any future residential.

Ms. Fryer agreed that this is a safe assumption.

Commissioner Heckman referred to page III-3, specifically the statement that “an outstanding City is a place of quality for people to live and work.” Expressing his concern with traffic, he questioned whether information is available regarding the ratio of jobs to dwelling units within the City of Beaverton.

Ms. Fryer informed Commissioner Heckman that this information is not available at this time, adding that information is available regarding the ability to meet the Metro targets of additional residents and additional employment that is anticipated in the City limits within the planning horizon. She indicated that this information is outlined in the previous section under the overview in the first paragraph.

Commissioner Heckman noted that he thought there might be some documentation indicating a desired improvement to a certain level.

Mr. Bergsma mentioned a recent survey of housing conditions completed by the City, noting that it had included information indicating that approximately one third of the residents of the City work in the City.

Commissioner Heckman referred to paragraph 6, page III-5, questioning the term “vertical diversity”.

Ms. Fryer described “vertical diversity” as a typical very large tree in which different levels of the tree are utilized by different species of birds, particularly in the case of a very well-diversified forest. She indicated that squirrels might utilize up to a certain height, and birds even higher, noting that there is a difference in the character of that habitat for various species.

Commissioner Heckman commented on Exhibit 3 – the Three Map Alternative, referring to 13 dwelling units per acre and 13 or 14 persons per acre.

Ms. Fryer clarified that this is persons per acre, rather than dwellings per acre.

Commissioner Heckman noted that earlier she had said dwelling units per acre.

Ms. Fryer clarified that the text is correct in its reference to persons per acre.

Commissioner Heckman noted that depending on the number of the individuals who live there, it would be possible to meet that goal with three houses per acre.

Ms. Fryer agreed that this is potentially possible, adding that the latest Census information provides an average of 2.5 persons per household for the Portland Metropolitan Region.

Commissioner Heckman questioned whether she means per dwelling unit in this case.

Ms. Fryer clarified that the figure is 2.5 persons per dwelling unit, rather than acre, noting that the average is 2.5 persons per dwelling unit within the City of Beaverton, as of the 1990 Census.

Commissioner Dunham referred to the 3-Map Alternative, questioning whether the Metro Design Type is equivalent to Metro's Growth Concept Map.

Ms. Fryer informed Commissioner Dunham that the Metro Design Type is equivalent to Metro's Growth Concept Map, indicating that it includes the items on the top map.

Commissioner Dunham mentioned the 3-Map Alternative, and questioned if people moved into an area after the establishment of a planned unit development overlay whether provisions would be made for an underlying zoning.

Chairman Maks observed that a planned unit development has to meet the density of the zone, adding that it does not increase the density.

Commissioner Dunham expressed her opinion that there could easily be a misunderstanding for an untrained eye.

Chairman Maks repeated that a planned unit development has to meet the density of the zone.

Commissioner Dunham noted that not everyone would be aware that a planned unit development exists in a certain location.

Chairman Maks stated that Commissioner Dunham had questioned whether some documentation would indicate a different density.

Commissioner Dunham indicated that this was not her intent.

Observing that she believes she understands what Commissioner Dunham is attempting to clarify, Ms. Fryer observed that the Commissioners had previously requested a map that indicates planned unit developments for informational

purposes. She advised that the corridor designation will not necessarily improve upon that issue, adding that the issue of the proposed planned unit development map is being considered at this time, although it has not yet been developed.

On question, Commissioner Heckman stated that he is in support of the 2-Map Alternative.

On question, Commissioner Dunham stated that she is in support of the 2-Map Alternative.

On question, Commissioner Johansen stated that he is in support of the 2-Map Alternative, expressing his opinion that the 3-Map Alternative would be very confusing to the public.

Commissioner Voytilla questioned the 2-Map Alternative and whether it would readily reflect the Metro Plan and the City's Plan.

Ms. Fryer confirmed that the Comprehensive Plan and Metro's Plan would be virtually seamless.

Commissioner Voytilla requested clarification that it would be obvious that Metro's concept is being emulated by the City's map.

Ms. Fryer agreed, explaining that there would be some areas of differentiation.

Commissioner Voytilla noted that when asked why a certain action is taken in a neighborhood, the City of Beaverton would also be able to point out that this is also designated by Metro.

Ms. Fryer observed that the boundary areas could also be refined.

On question, Commissioner Voytilla stated that he is in support of the 2-Map Alternative.

Comparing the plans to "cookie cutters", Chairman Maks emphasized that the Comprehensive Plan and Metro's Plan will be seamless.

On question, Commissioner Bode stated that she is in support of the 2-Map Alternative.

Commissioner Bode expressed concern that the map is made accessible to the public before decisions are made.

Ms. Fryer informed Commissioner Bode that these maps will be available to the public and tonight's comments will be included. The current chapter 3 will be eliminated and replaced with whatever new text is created. The entire document

and the map should be available for review for at least a week prior to the next Public Hearing, adding that she anticipates further review prior to any final decision, which will not likely occur before June 2000.

On question, Commissioner Bode assured Chairman Maks that she intends to serve on the Planning Commission at least that long.

Commissioner Bode questioned whether the map will be prepared in consultation with a reading and a visual specialist, enabling individuals with a variety of abilities to be capable of understanding the map. She indicated that this concept is referred to as “map-friendly reading”.

Noting that she is unfamiliar with this term, Ms. Fryer indicated that this would be taken under advisement.

Noting that a map that people can not read is useless, Commissioner Bode expressed her concern with the accessibility of this map to inform the citizens.

Ms. Fryer requested that Commissioner Bode repeat her phrase concerning understanding of the map by all individuals.

Commissioner Bode stated that she urged contacting a reading linguist design consultant to review the map, adding that one should be available through Portland State University Urban Studies and their school of linguistic research.

Chairman Maks expressed approval of Commissioner Bode’s recommendation.

Commissioner Heckman referred to page III-2 of the Staff Report, and discussed Station Communities – Nodes of development centered approximately one-half mile around a light rail or high capacity transit station that feature a high-quality pedestrian environment. He questioned whether a high capacity transit station not associated with the light rail is anticipated.

Ms. Fryer expressed her opinion that at some point in the future, a high capacity transit station may be located at Murray/Scholl’s Town Center.

Commissioner Heckman noted that there had been concern with the possibility of lack of transit.

On question, Ms. Fryer informed Commissioner Heckman that she does anticipate this potential, adding that other areas in Washington County that may annex in the future have the potential for that type of development as well.

Stressing the importance of this document, Chairman Maks requested that staff forward this information to CCI as soon as possible.

Commissioner Johansen observed that it may not be possible to get this to CCI in a timely manner for their March 2000 Agenda.

Ms. Fryer mentioned the possibility of staff working to complete the item and mailing it to each individual person in CCI for their comments.

Chairman Maks suggested that staff make their best efforts to provide information to CCI in time for the continued Public Hearing on April 12, 2000.

PUBLIC TESTIMONY:

This being the time for public comment on the Public Hearing, it was observed that no one appeared to testify at this time.

Mr. Naemura commented that the CCI process would likely include a group discussion and ideas.

Noting that he is aware of this, Chairman Maks emphasized that he is attempting to avoid shooting at a moving target, as was the case with flexible setbacks.

Ms. Fryer mentioned Ballot 56, recommending that this Public Hearing be continued at least until April 12, 2000

Commissioner Voytilla **MOVED** and Commissioner Heckman **SECONDED** a motion to continue the Public Hearing for CPA 99-00025 – Comprehensive Plan Land Use Element to a date certain of April 12.

Motion **CARRIED** unanimously.

APPROVAL OF MINUTES:

Observing that filling the shoes of the former recording secretary is difficult, Chairman Maks commended the recording secretary for her performance in recording the minutes.

Commissioner Heckman expressed his appreciation of the method utilized for corrections to the minutes – strikeouts of portions to be eliminated and highlighting and underlining any additions.

Minutes of the meeting of February 9, 2000, submitted. Commissioner Johansen **MOVED** and Commissioner Voytilla **SECONDED** a motion that the minutes be approved as written.

Motion **CARRIED**, unanimously, with the exception of Commissioner Dunham, who abstained from voting on this issue.

Minutes of the meeting of February 16, 2000, submitted. Chairman Maks referred to paragraph 4 of page 6, requesting that it be amended, as follows: "...he had found nothing of concern at this time, ~~except for possibly with~~ **and that basically he felt that most of the conditions were contained in the** Facilities Review **Conditions.**" Chairman Maks referred to paragraph 2, page 9, requesting that it be amended, as follows: "...the level of service during peak hours **of restaurant...**" Chairman Maks referred to paragraph 9 of page 15, requesting that it be amended, as follows: "...that Best Teriyaki's **walk-in** trip generation..." Chairman Maks referred to paragraph 3 of page 18, requesting that it be amended, as follows: "...he passed the gavel to Commissioner Voytilla, who temporarily served as ~~Vice-Chairman~~ **Chair.**" Commissioner Voytilla referred to page 16, following paragraph 9, requesting that it be amended to reflect that there had been a rebuttal period at that time. Commissioner Voytilla referred to paragraph 9 of page 17, requesting that it be amended, as follows: "Commissioner Voytilla expressed appreciation to the applicant for addressing concerns of the Planning Commission **from the prior hearing,** and his support of the project." Commissioner Voytilla **MOVED** and Commissioner Dunham **SECONDED** a motion that the minutes be approved as written.

Motion **CARRIED**, unanimously.

Minutes of the meeting of February 23, 2000, submitted. Commissioner Voytilla referred to paragraph 7 of page 16, requesting that it be amended, as follows: "Commissioner Voytilla observed that a potential business owner must consider all of the necessary ~~perimeters~~ **parameters** of a business and the location..." Chairman Maks referred to paragraph 4 of page 22, requesting that it be amended, as follows: "...at his business in Vancouver, Washington, signage on the wall **section of the awning** of his building counts..." Mr. Naemura referred to paragraph 2 of page 24, requesting that it be amended, as follows: "He noted that while clarity and consistency is his main concern in code review, he agrees with the Planning Director's Interpretation. **He observed that he had been able to reach the Planning Director's Interpretation given the definitions in the code and that the assistance of the Webster's Dictionary definitions had not been necessary, concluding that he feels comfortable backing up the interpretation with the existing code without the assistance of any additional sources.** He emphasized that many of the arguments presented tonight will be considered at Code Review, adding that he hopes that the appellants will provide input at Code Review." Commissioner Bode **MOVED** and Commissioner Voytilla **SECONDED** a motion that the minutes be amended to reflect these changes, and approved.

Motion **CARRIED**, unanimously.

MISCELLANEOUS BUSINESS:

Chairman Maks mentioned that there are two new members of the Commission and an annual work session, requesting that Commissioners provide input regarding what they would like covered on the agenda.

The meeting adjourned at 9:29 p.m.